

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MARK D. LUMOS,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Cause No. 4:09CV785RWS

**MEMORANDUM AND ORDER**

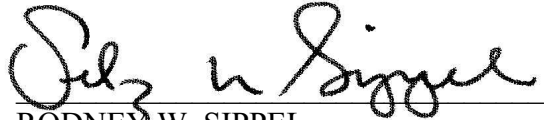
This matter is before me on a Report and Recommendation to affirm the decision of the Commissioner of Social Security to deny Plaintiff disability insurance benefits. Neither of the parties has filed an objection to this recommendation.

This matter was referred to United States Magistrate Judge Terry I. Adelman for a Report and Recommendation pursuant to 28 U.S.C. § 636(b). Judge Adelman issued a Report and Recommendation on September 7, 2010 that recommended that the Commissioner's decision to deny benefits should be affirmed. Judge Adelman found that the Administrative Law Judge's determination that Plaintiff was not entitled to benefits was supported by substantial evidence in the record.

Any objections to Judge Adelman's Report and Recommendation had to be filed by September 21, 2010. Neither of the parties has filed an objection as of today's date.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge Adelman is **SUSTAINED, ADOPTED AND INCORPORATED** herein. The Commissioner of Social Security's decision to deny disability benefits to Plaintiff is affirmed

  
\_\_\_\_\_  
RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 27th day of September, 2010.